

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

FERNANDO CASTILLO,

Plaintiff,

-against-

DANIELS SHARPSMART, INC., and "JOHN DOE",
Defendants.

Filed:

INDEX NO.

S U M M O N S

The basis of venue is
the County in which the
cause of action arose.

To the above named Defendant(s):

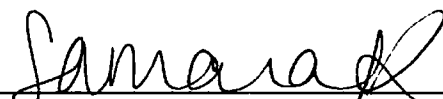
YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer on the plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service of this summons, or within 30 days after service of this summons is complete if this summons is not personally delivered to you within the State of New York.

In case of your failure to answer this summons, a judgment by default will be taken against you for the relief demanded in the complaint, together with the costs of this action.

TRIAL BY JURY DEMANDED

Dated: Astoria, New York

November 18, 2021



LAW OFFICES OF MITCHELL KLAFTER, P.C.
By: **Samara Klafter, Esq.**
Attorneys for Plaintiff
23 - 25 31st Street, Suite 410
Astoria, New York 11105
(718) 4651160

To: Daniels Sharpsmart Inc.
Corporation Service Company
80 State Street
Albany, New York 12207

“JOHN DOE”
Corporation Service Company
80 State Street
Albany, New York 12207

SUPREME COURT OF THE STATE OF NEW YORK
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VERIFIED COMPLAINT

Plaintiff, by his attorneys, LAW OFFICES OF MITCHELL KLAFTER, P.C., as and for his
Verified Complaint, respectfully allege, upon information and belief:

1. The plaintiff, FERNANDO CASTILLO, at all times herein mentioned was and still is a resident of the County of Bronx, State of New York.

2. That at all times herein mentioned defendant, DANIELS SHARPSMART, INC., was a Delaware Foreign Business Corporation registered, allowed and doing business in the City and State of New York.

3. That at all times herein mentioned, upon information and belief, the defendant DANIELS SHARPSMART, INC., was the registered owner of a 2016 Isuzu motor vehicle bearing New York State license plate number 56442MJ.

4. That at all times herein mentioned, defendant "JOHN DOE" was the operator of the automobile bearing registration number 56442MJ, State of New York.

5. That at all times herein mentioned, upon information and belief, the defendant, DANIELS SHARPSMART, INC., was the title holder of the aforementioned motor vehicle bearing New York State license plate number 56442MJ.

6. That at all times herein mentioned, upon information and belief, on October 2, 2020, the defendant "JOHN DOE" was operating and controlling the aforementioned motor vehicle bearing New York State license plate number 56442MJ.

7. Upon information and belief, that at all times herein mentioned defendant "JOHN DOE", in his capacity as an employee, agent, or servant of DANIELS SHARPSMART, INC., was in physical charge, operation, management and control of the aforesaid vehicle owned by the

defendant DANIELS SHARPSMART INC., with the knowledge, consent, and permission, either express or implied, of the defendant owner thereof.

8. That at all times herein mentioned, plaintiff FERNANDO CASTILLO was the owner and operator of a silver Rhino Outcast Aluminum F5AL mountain bicycle.

9. On or about 10/02/2020, at approximately 10:30 AM, the vehicle operated by defendant "JOHN DOE", and owned by defendant DANIELS SHARPSMART INC. came into contact with plaintiff's bicycle at University Avenue intersecting 165th Street, Bronx, New York.

10. The defendants so carelessly and negligently operated their aforesaid vehicle so as to cause the contact.

11. That as a result of the foregoing, this plaintiff was caused to and did sustain severe and serious injuries and was required to seek and obtain medical care and attention in an effort to cure and alleviate same and, upon information and belief, will be compelled to do so in the future.

12. That the aforesaid occurrence and the injuries sustained by this plaintiff were caused by the negligence of the defendants.

13. As a result of the foregoing, the plaintiff sustained serious personal injuries as defined in Section 5102(d) of the Insurance Law of the State of New York, and/or economic loss greater than basic economic loss as defined in Section 5102(a) of the Insurance Law of the State of New York.

14. This action falls within one or more of the exceptions set forth in CPLR section 1602.

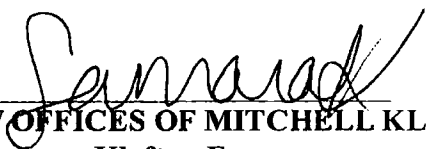
15. That by reason of the foregoing, plaintiff, FERNANDO CASTILLO, has been damaged in an amount which exceeds the jurisdiction limits of all lower courts that would otherwise have jurisdiction.

WHEREFORE, plaintiff demands judgment awarding damages, in an amount exceeding the monetary jurisdictional limits of all lower courts which would otherwise have jurisdiction,

together with interest and the costs and disbursements of this action, and such other and further relief as to this Court seems just and proper.

Dated: Astoria, New York

November 18, 2021


LAW OFFICES OF MITCHELL KLAFTER, P.C.
By: Samara Klafter, Esq.
Attorneys for Plaintiff
23 - 25 31st Street, Suite 410
Astoria, New York 11105
(718) 465-1160

SUPREME COURT OF THE STATE OF NEW YORK
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**ATTORNEY'S
VERIFICATION**

Samara Klafter, an attorney duly admitted to practice law in the State of New York, makes the following affirmation under the penalty of perjury:

I am of the firm of LAW OFFICES OF MITCHELL KLAFTER, P.C., the attorneys of record for the plaintiff.

I have read the foregoing Complaint and know the contents thereof; the same is true to my own knowledge except as to the matters therein stated to be alleged on information and belief and that as to those matters, I believe them to be true.

This verification is made by affirmant and not by plaintiff because he is not in the County of Queens, which is the County where your affirmant maintains offices.

The grounds of affirmant's belief as to all matters not stated upon affirmant's knowledge are correspondence had with the said plaintiff, information contained in the said plaintiff's file, which is in affirmant's possession, and other pertinent data relating thereto.

Dated: Astoria, New York
November 18, 2021



SAMARA KLAFTER ESQ.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

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Defendants.

SUMMONS and VERIFIED COMPLAINT

LAW OFFICES OF MITCHELL KLAFTER, P.C.

Attorneys for Plaintiff

Office and Post Office Address and Telephone

23 - 25 31st Street, Suite 410

Astoria, New York 11105

(718) 465-1160

Service of a copy of the within SUMMONS and VERIFIED COMPLAINT is hereby admitted.

Dated, _____

Attorney(s) for

Please take notice

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of _____
duly entered in the office of the clerk of the within named court on

☐ NOTICE OF SETTLEMENT

that _____, of which the within is a true copy will be presented for
settlement to the HON. _____, one of the judges of the
within named court, at 851 Grand Concourse, Bronx, New York 10451 on _____

Dated: Astoria, New York

November 18, 2021

Yours, etc.,


LAW OFFICES OF MITCHELL KLAFTER, P.C.
Attorneys for Plaintiff